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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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26119 7590 02/25/2008 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204				
EXAMINER				
ARAQUE JR, GERARDO				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,365

Applicant(s)

YOSHITAKE ET AL.

Examiner

GERARDO ARAQUE JR

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 4, 6, 9, 12, 14, and 16 – 19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Mancisidor et al. (US Patent 6,745,172 B1)**.

4. In regards to **claim 1**, **Mancisidor** discloses a computer-based method of assisting a user to design a network for a group of computers, the method comprising:
interactively presenting a sequence of questions to the user relating to characteristics of the group of computers and their environment of use (**Col. 19 Lines 17 – 19**);

gathering input data of the user's responses to the questions, the input data including computer type, wherein the computer type comprises at least one of laptop or desktop (**Col. 19 lines 17 – 19; wherein when designing a network for a group of**

computers, it is inherent that laptops and/or desktops are involved, as well as any other type of computer, such as tablet PC's and handheld devices);

evaluating the input data to determine a prioritized set of network solutions suitable for the group of computers and their environment out of a set of possible network solutions, the set of possible network solutions including at least one hybrid solution employing more than one networking topology type **(Col. 4 Lines 5 – 9; Col. 31 Lines 57 – 62);**

presenting one or more of the prioritized set of network solutions for selection by the user **(Col. 4 Lines 5 – 9; Col. 10 Lines 12 – 17);** and

in response to the user's selection of a network solution, providing a presentation of a set of network products for constructing a network of the group of computers according to the user-selected network solution **(Col. 7 Lines 12 – 21; Claim 3);** and

wherein evaluating the input data comprises heuristically identifying a primary computer out of the group of computers based on the input data characterizing each computer's current internet connection type, operating system, and computer type and wherein identifying a primary computer as a laptop is disfavored **(inherently included since it is known in the field of networking that desktops serve as better servers/networking components, for example, than a laptop, and wherein the internet connection and OS will also greatly affect the overall performance of the network since broadband would provide a faster network than dialup and wherein compatibility issues would arise if the OS is not known).**

5. In regards to **claim 4**, Mancisidor discloses further comprising:

dynamically generating a shopping list of the network products needed for construction of the network according the user-selected network solution, and not characterized in the user's responses as already part of the computers (**Col. 4 Lines 25 – 28; Col. 6 Lines 20 – 38; Col. 12 Lines 38 – 48**).

6. In regards to **claims 6 and 14, Mancisidor** discloses wherein the set of possible network solutions comprises wireless, Ethernet, phone-line, and power-line network topologies, as well as hybrid combinations of these network topologies, and wherein evaluating the input data comprises (**Col. 24 Lines 18 – 21**):

heuristically identifying the set of suitable network solutions out of the set of possible network solutions based on at least a layout pattern of the computers in separate locations in the environment, connection media availability at the locations, and computer type (**Col. 22 – 24 Lines 5 – 28**).

7. In regards to **claim 9, Mancisidor** discloses a computer-readable program carrying medium having a software program of an interactive network guide carried thereon for assisting a user to design a network for a group of computers, the software program comprising:

programming code for interactively presenting a sequence of questions to the user relating to characteristics of the group of computers and their environment of use (**Col. 19 Lines 17 – 19**);

programming code for gathering input data of the user's responses to the questions (**Col. 19 lines 17 – 19**);

programming code for evaluating the input data to determine a prioritized set of network solutions suitable for the group of computers and their environment out of a set of possible network solutions, the set of possible network solutions including at least one hybrid solution employing more than one networking topology type (**Col. 4 Lines 5 – 9; Col. 31 Lines 57 – 62 wherein Mancisidor discloses that there are more than one method of connecting the computers, i.e. wire or wirelessly in order to accommodate the needs of that particular link at a specific node; See also at least Fig. 22 - 2210**);

programming code for presenting one or more of the prioritized set of network solutions for selection by the user (**Col. 4 Lines 5 – 9; Col. 10 Lines 12 – 17**); and

programming code for providing in response to the user's selection of a network solution, a presentation of a set of network products for constructing a network of the group of computers according to the user-selected network solution (**Col. 7 Lines 12 – 21; Claim 3**).

8. In regards to **claim 12, Mancisidor** discloses further comprising:

programming code for dynamically generating a shopping list of the network products needed for construction of the network according the user-selected network solution, and not characterized in the user's responses as already part of the computers (**Col. 4 Lines 25 – 28; Col. 6 Lines 20 – 38; Col. 12 Lines 38 – 48**).

9. In regards to **claim 16, Mancisidor** discloses a computer-based interactive network guide system for assisting a user to design a network for a group of computers, the system comprising:

a display device (**Fig. 2 290 - 293**);
a processor for executing programming of an interactive network guide (**Fig. 2 290 - 293, 230 – 231**); and
a memory for storing the interactive network guide programming, the programming comprising (**Fig. 2 290 - 293, 230 – 231**):

a questions/data collection user interface component for interactively presenting a sequence of questions to the user relating to characteristics of the group of computers and their environment of use on the display device, and collecting input data of the user's responses to the questions, the input data comprising at least locations of the computers in the environment, availability of connection media at the respective locations, and type of the computers being desktop or mobile varieties (**Fig. 2 290 - 293, 230 – 231**);

an options generator component for evaluating the input data to determine a prioritized set of network solutions suitable for the group of computers and their environment out of a set of possible network solutions, the evaluating comprising heuristically identifying the set of suitable network solutions out of the set of possible network solutions based on at least a layout of the computers in separate locations in the environment, connection media availability at the locations, and computer type (**Fig. 2 290 – 293, 230 – 231**);

an options display/selection component for presenting one or more of the prioritized set of network solutions on the display device for selection by the user,

and receiving the user's selection of a network solution from the prioritized set **(Fig. 2 290 – 293, 230 – 231)**; and

a network solution output generator for providing, in response to the user's selection of a network solution, a presentation of a set of network products for constructing a network of the group of computers according to the user-selected network solution **(Fig. 2 290 – 293, 230 – 231)**; and

wherein the network solution output generator comprises a network diagram generator, a shopping list generator and a setup instructions generator for dynamically generating a network diagram, a shopping list of the network products and setup instructions for constructing the network, respectively **(See at least Fig. 2, 4, 9, 15, 16, 18, 10 and 22 wherein Mancisidor discloses a product database and cost analysis for the purchasing of several network solutions that are provided to the customer, which inherently would result in a shopping list for the selected solution, a diagram of those solutions and how to best set the network in order to avoid compatibility or networking issues.)**.

10. In regards to **claim 18, Mancisidor** discloses wherein:

the questions/data collection user interface component presents in the sequence of questions a query prompting entry of a custom name for each computer in the group and identifiers of their respective locations in the environment of use, and collects the input data including the custom names of the computers in the group and identifiers of their respective locations **(Fig. 2 290 – 293, 230 – 231)**;

the network diagram generator dynamically generates a network diagram graphically depicting the user-selected network solution, including depicting each of the computers in the group, their respective locations and the network products, including identifying each of the computer in the group and their respective locations on the network diagram by their respective custom name and identifiers, respectively (**Fig. 2 290 – 293, 230 – 231**);

the setup instructions generator dynamically generates setup instructions describing a set of steps to construct the network according to the user-selected network solution, including identifying each of the computer in the group and their respective locations in the setup instructions by their respective custom name and identifiers, respectively (**Fig. 2 290 – 293, 230 – 231**).

11. In regards to **claim 19**, **Mancisidor** discloses wherein the network diagram generator and shopping list generator dynamically generate the network diagram and shopping list, respectively, to include identifiers correlating the depiction of the network products in the network diagram with respective item listings in the shopping list (**Fig. 2 290 – 293, 230 – 231**).

12. In regards to **claim 20**, **Mancisidor** discloses wherein the a questions/data collection user interface component comprises a customization component to include at least one of a logo, a product brand name, or a slogan on at least one screen in a question sequence and on at least on screen in a help screen display (**inherently included in that the product solution would provide the user with products that inherently include at least one of a logo, product brand name, or slogan**).

13. In regards to **claim 21**, **Mancisidor** discloses wherein the shopping list generator omits products that are already owned by the user (**inherently included in that it would be illogical to recommend products that the user already owns since the user may either be upgrading or expanding the network, in the latter case it is impossible to expand the network with just one product**).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 2 – 3, 5, 7, 8, 10 – 11, 13, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mancisidor et al. (US Patent 6,745,172 B1)**.

16. In regards to **claims 2 and 10**, **Mancisidor** discloses further comprising:
gathering the input data of the locations of the computers in the group (**Col. 19 Lines 17 – 19; Col. 12 Lines 12 – 14**);

dynamically generating a network diagram graphically depicting the user-selected network solution, including depicting each of the computers in the group, their respective locations and the network products (**Fig. 19 – 26; Col. 15 Lines 6 – 16**); and
identifying each of the computer in the group and their respective locations on the network diagram (**Fig. 19 – 26**).

Mancisidor discloses that each node is a representation of each connection made in the network, such as a computer. Furthermore, **Mancisidor**, discloses that

new questions can be added to the GUI in order to better serve the user's needs.

However, **Mancisidor** fails to disclose:

presenting in the sequence of questions a query prompting entry of a custom name for each computer in the group and identifiers of their respective locations in the environment of use.

However, the Examiner asserts that it is old and well known to label components of a construction project in a manner that can easily be understood by the user who will be conducting the construction. That is to say, it would have been obvious to provide additional questions, as disclosed by **Mancisidor**, in order to allow a user to label the nodes in a manner that would allow a user to better understand a particular configuration, in order to avoid making a mistake, such as switching components around. This is especially important when trying to determine which of the computers will be the host computer, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Mancisidor** to present a sequence of questions for prompting entry of a custom name for a computer and identifiers indicating the location of the computer in order to prevent any mistakes, such as switching components around, when constructing the network.

17. In regards to **claims 3 and 11**, **Mancisidor** discloses further comprising:

gathering the input data of the locations of the computers in the group (**Col. 19 Lines 17 – 19; Col. 12 Lines 12 – 14**);

dynamically generating setup instructions describing a set of steps to construct the network according to the user-selected network solution (**Fig. 19 – 26; Col. 15 Lines 6 – 16, 41 – 44; Col. 19 Lines 35 – 37**); and

identifying each of the computer in the group and their respective locations on the network diagram (**Fig. 19 – 26**).

Mancisidor discloses that each node is a representation of each connection made in the network, such as a computer. Furthermore, **Mancisidor**, discloses that new questions can be added to the GUI in order to better serve the user's needs. However, **Mancisidor** fails to disclose:

presenting in the sequence of questions a query prompting entry of a custom name for each computer in the group and identifiers of their respective locations in the environment of use.

However, the Examiner asserts that it is old and well known to label components of a construction project in a manner that can easily be understood by the user who will be conducting the construction. That is to say, it would have been obvious to provide additional questions, as disclosed by **Mancisidor**, in order to allow a user to label the nodes in a manner that would allow a user to better understand a particular configuration, in order to avoid making a mistake, such as switching components around. This is especially important when trying to determine which of the computers will be the host computer, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Mancisidor** to present a sequence of questions for

prompting entry of a custom name for a computer and identifiers indicating the location of the computer in order to prevent any mistakes, such as switching components around, when constructing the network.

18. In regards to **claims 5 and 13, Mancisidor** fails to explicitly disclose wherein evaluating the input data comprises:

heuristically identifying a primary computer out of the group of computers based on the input data characterizing each computer's current internet connection type, operating system, and computer type.

However, it would have been obviously included that when configuring a network of computers that the connection type, operating system, and computer type must be providing in order to properly recommend the appropriate products and/or services, determining whether the identified host computer meets the minimum requirements, and avoid any compatibility issues (**See for example Col. 12 Lines 5 – 26; Col. 31 – 32 Lines 67 – 22**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Mancisidor** to identify the primary computer based on the internet connection type, operating system, and computer type in order to ensure that the primary computer meets the minimum requirements as well as avoiding any compatibility issues with the other computers of the network.

19. In regards to **claims 7 and 15, Mancisidor** fails to explicitly wherein evaluating the input data comprises:

heuristically determining whether a hardware gateway is suitable for the group of computers; and

wherein the heuristically identifying the set of suitable network solutions is further based on the determination whether a hardware gateway is suitable

However, **Mancisidor** does disclose a method and system that calculates the location and connection of all available nodes and provides several configurations for a user to choose from (**See Figs. 19 – 26; Col. 12 Lines 5 – 26 [regarding compatibility issues]**). As a result, it would have been obvious that if the network of computer were connecting to the Internet the system would determine/calculate whether a network hub or router would be used to connect the network of computers to the Internet in order to complete the construction of the network.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Mancisidor** to determine whether a hardware gateway is suitable for the group of computers and that the network solution is based on the determination whether a hardware gateway is suitable in the event that the network of computers were connecting to the Internet, for example.

20. In regards to **claim 8**, **Mancisidor** discloses a computer-based method of assisting a user to design a network for a group of computers, the method comprising:

interactively presenting a sequence of questions to the user relating to characteristics of the group of computers and their environment of use (**Col. 19 Lines 17 – 19**);

gathering input data of the user's responses to the questions, the input data comprising at least locations of the computers in the environment, availability of connection media at the respective locations, and type of the computers being desktop or mobile varieties (**Col. 19 Lines 17 – 19; Col. 12 Lines 12 – 14**);

evaluating the input data to determine a prioritized set of network solutions suitable for the group of computers and their environment out of a set of possible network solutions, the evaluating comprising heuristically identifying the set of suitable network solutions out of the set of possible network solutions based on at least a layout of the computers in separate locations in the environment, connection media availability at the locations, and computer type (**Col. 4 Lines 5 – 9; Col. 31 Lines 57 – 62; Col. 12 Lines 12 – 14**);

presenting one or more of the prioritized set of network solutions for selection by the user (**Col. 4 Lines 5 – 9; Col. 10 Lines 12 – 17**); and

in response to the user's selection of a network solution, providing a presentation of a set of network products for constructing a network of the group of computers according to the user-selected network solution (**Col. 7 Lines 12 – 21; Claim 3**).

However, **Mancisidor** fails to disclose:

wherein providing a presentation of a set of network products comprises at least one on-line shopping link to allow the user to immediately purchase at least one product via an on-line store.

However, the **Mancisidor** discloses the selling and obvious purchasing of recommended products. The Examiner asserts that once a solution has been

presented and once the user is satisfied with the solution the next logical step is to purchase the system. As a result, it is asserted that some type of link must be provided in order to allow the user to continue with the purchasing process and to the final checkout of the recommended products.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Mancisidor** to provide a link to allow the user to purchase the product solutions.

Response to Arguments

21. Applicant's arguments with respect to **claims 1 – 8 and 16 - 19** have been considered but are moot in view of the new ground(s) of rejection.

22. Applicant's arguments filed 11/29/07 have been fully considered but they are not persuasive.

Claim 9

23. In regards to **claim 9**, the Examiner has provided a better explanation of the rejection regarding the issues raised in Applicant's Remarks.

24. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over **Mancisidor et al. (US Patent 6,745,172B1)**.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARDO ARAQUE JR whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3629
2/18/08

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629